

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

SOLOMON ODARO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:19-cv-00852-RLY-TAB
	)	
BELL TECHLOGIX,	)	
	)	
Defendant.	)	

**ORDER DENYING PLAINTIFF’S MOTION TO SERVE BELATED DISCOVERY**

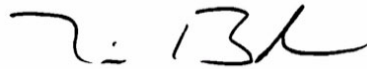
This cause is before the Court on Plaintiff Solomon Odaro’s motion for leave to serve belated discovery materials upon Defendant Bell Techlogix. [Filing No. 31.] Plaintiff’s motion has drawn a stern and lengthy objection from Defendant, and briefing has included Defendant serving a surreply that accuses Plaintiff’s counsel of making false representations to the Court. [Filing No. 34, at ECF p. 2.] The Court need not dwell upon the minutiae set forth in this briefing. It is sufficient to state that Plaintiff has served admittedly untimely discovery requests on Defendant, but claims good cause exists for allowing the tardy discovery because Plaintiff’s deposition “revealed further issues” which prompted the discovery. [Filing No. 31, at ECF p. 2.] As Defendant correctly observes, it is difficult to fathom what further issues could have been revealed that were not already known to Plaintiff or his counsel since this was Plaintiff’s own deposition. [Filing No. 32, at ECF p. 4.]

In an apparent effort to address this glaring shortcoming, Plaintiff states in his reply brief that Defendant produced at Plaintiff’s deposition a Counseling Documentation Form “...which Plaintiff had never seen, and which Defendant had never produced until its inclusion in the November 24 email.” [Filing No. 33, at ECF p. 3.] Defendant persuasively demonstrates this

statement by Plaintiff is false by attaching to its surreply a Bates-stamped copy of the Counseling Documentation Form that Defendant produced to Plaintiff on September 13, 2019, and again on September 24, 2019. [Filing No. 34, at ECF p. 2.] As Defendant puts it, this shows “Plaintiff not only is seeking discovery on issues which are NOT new, but also is doing so without first having reviewed the discovery that Bell produced prior to the deposition.” [Filing No. 34, at ECF p. 2.]

The Court agrees with Defendant. Plaintiff has not shown good cause for serving untimely discovery requests on Defendant. Plaintiff’s motion for leave to serve belated discovery [Filing No. 31] is denied.

Date: 1/2/2020



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Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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